

OGC Has Reviewed

10 June 1954

MEMORANDUM FOR: FE/4

ATTENTION : [] 25X1A

SUBJECT : [] 25X1A

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1. You have asked us to supply a written exposition of the reasons which we feel compel a negative reply to [] request, set forth in paragraph 3 of the subject dispatch, for reimbursement of the travel expense of his wife and children to the United States in the late summer and early fall of 1953. We understand that [] was at the time, and still is, a staff agent. The authority for such reimbursement, if the same could be found, would be statutory or regulatory and not, as suggested, by amendment to [] staff agent letter. For the reasons stated below we can perceive no such STATOTHR statutory or regulatory authority in circumstances such as these.

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3. A departure from strict adherence to statutory authority cannot, of course, be predicated upon the self-supporting argument that if [] had elected home leave, he could have obtained reimbursement for his dependent's travel, and that his election to remain has resulted in a net saving to the Government. The economy aspect is irrelevant where the controlling consideration is the letter of the statutory authority.

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4. Moreover, on the facts as stated, [] by his own election chose to remain in [] and was not denied an opportunity to return to the United States at Government expense provided he had the necessary accrual of leave and length of service abroad. The presence of a demanding work load does not alter this result. [] at no time sought advance approval of his dependents' travel nor did he solicit official insistence upon the need for his remaining. In this context we see no operational justification which would legally support an expenditure of Agency monies under the Director's residual power to expend funds for objects of a confidential, extraordinary, or emergency nature where the purpose of such an expenditure would be directly contrary to one of the Agency's particular statutory authorities.

5. Your copy of the subject dispatch is returned herewith.

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Office of General Counsel

Attachment

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OGC: []

Distribution

- Orig. & 1 - Addressee
- 1 - Subject
- 1 - Signer
- 1 - 317 South
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